

City of Frisco, Texas

2011 State Legislative Agenda

The City's Highest Priority

The City's highest priority is to preserve its ability to govern effectively. Thus, the City will oppose legislation that would, in any way, erode current municipal authority, impose costs, reduce revenue, or otherwise negatively affect the City.

Legislation the City Will Actively Pursue

Legislative Redistricting

- Legislation that supports the City's interests regarding redistricting in order to maximize the effectiveness of the City's Congressional and Legislative Representation.

Environment

- Legislation that would establish the portability of air quality permits issued by the State of Texas and other incentives to the holders of current permits, such as the permits held by Exide Technologies within the City of Frisco, to consider relocation to other geographic locations.

Revenue

- Legislation allocating a portion of the money collected across the state as a "battery recycling fee" to activities benefitting the health, safety and welfare of the communities near plants that perform lead-acid battery recycling activities.

Legislation the City Will Support

Revenue

- Legislation amending the “truth-in-taxation” law (Chapter 26 of the Texas Tax Code) to exclude debt service for voter-authorized debt from the calculation of the rollback rate.
- Legislation that ensures fairness in the property appraisal process.
- Legislation requiring the disclosure of the sales prices of real properties to improve the accuracy of appraisals.
- Legislation to continue, maintain and protect the utilization of state and local funds for the purposes of economic and community development, including the Texas Enterprise Fund (TEF), the Texas Emerging Technology Fund (TETF), Section 380 Agreements and Tax Increment Financing.

Development

- Legislation repealing the portions of Chapter 245 of the Local Government Code that deals with application for a permit (Section 245.002, Paragraphs (a) Process and (e) Expiration).
- Legislation providing an exemption for landscaping requirements that conserve water from the permit vesting requirements of Chapter 245 of the Local Government Code.
- Legislation enacting amendments to Chapter 245 of the local Government Code (relating to permit vesting) including but not limited to improved definitions of “project,” “permit,” “progress towards completion,” and “imminent threat.”
- Legislation allowing cities to have local control over decision making in regards to specifying affordable housing in new developments.
- Legislation changing the time for collection of impact fees from the time of permit to the time of final plat.

Public Safety

- Legislation that would prohibit the sale, delivery, or possession of certain smoking materials, including *Salvia divinorum* or salvinorin A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts.

Utilities

- Legislation establishing municipal authority to hold an election to require the burial of electric lines, the results of which would be binding upon the Public Utility Commission (PUC) in the development of rate tariffs.
- Legislation establishing greater local regulatory oversight of intrastate gas utilities.
- Legislation granting cities more authority to obtain electric service within single-service areas.

Transportation

- Legislation expanding and protecting transportation funding, including:
 - Constitutionally protecting all revenues in Fund 006;
 - Discontinuing the diversion of transportation resources;
 - Providing funding for the Proposition 12 general obligation bonds; and
 - Reallocating highway user fee revenues from the General Revenue Fund to the Texas Mobility Fund.

Municipal Court

- Legislation requiring that certain types of Class “C” violations that may be dismissed upon proof of compliance shall be assessed a uniform \$20 dismissal fee by the twentieth working day following the date of the citation. (Currently, dismissal fees and the time period in which the fees are assessed vary from offense to offense.)
- Legislation amending Section 42.12 of the Code of Criminal Procedure to prevent commercial driver’s license holders from being able to mask moving traffic violations from the municipal court of original jurisdiction through deferred adjudication for moving traffic violations appealed from the municipal court of original jurisdiction.
- Legislation amending Section 3.03(a) of the Penal Code to ensure that Class “C” misdemeanors which are fine only offenses are not to “run concurrently” and that each judgment must be satisfied separately.
- Legislation amending Article 103.0031 of the Code of Criminal Procedure to remove the population requirement for retaining a 30-percent collection fee (when collection is done locally) to fund municipal court collection programs.
- Legislation establishing the formation of a statewide warrant database that includes Class “C” misdemeanor warrants.
- Legislation providing for the suspension of adult driver’s licenses for failure to appear or non-compliance with judicial orders, including the failure to pay a fine.
- Legislation to make the Office of Court Administration’s court collection improvement programs voluntary and to add the incentive of retaining an additional three percent of court costs in collection fees. (These fees are currently 5 percent and 10 percent for certain state fees collected.)
- Legislation amending Article 27.14(b) of the Code of Criminal Procedure to require a notice be sent by regular mail or electronically if a plea is received by the court with no or partial payment. (Current law provides that notice be sent by certified mail.)
- Legislation amending Article 102.0031 of the Code of Criminal Procedure to allow a collection fee to be added to cases with violation dates prior to June 18, 2003, for cases sent to an outside collection agency.

Environment

- Legislation that establishes long-term planning for an affordable and reliable water supply for the North Texas Region including emphasis on high growth areas.

- Legislation establishing in law the positions taken by the Texas Clean Air Cities Coalition regarding the air quality permitting process, particularly as they relate to power plants.
- Legislation establishing funding for research and development of alternative energy sources to reduce the carbon footprint.
- Legislation establishing additional funding for municipalities in non-attainment areas to reduce emissions and improve air quality.
- Legislation allowing the use of compost/wood waste materials as an alternative daily cover for landfill.
- Legislation that would conserve landfill space through product “take-back” programs and recycling initiatives without placing costly, unfunded mandates on cities.

Purchasing

- Legislation amending Chapter 252.041 of the Texas Local Government Code (relating to purchasing notice requirements) to provide that a notice shall be published once in a newspaper published in the city, if the notice is also published electronically. (Current law requires that the notice be published at least once a week for two weeks in a newspaper published in the city.)

Elections

- Legislation that would advance the concept of consolidated polling places.
- Legislation that establishes requirements for voters to show photo identification.

Tourism

- Legislation to preserve and/or strengthen the existing “major events” funding statutes (Vernon’s Texas Civil Statutes, Article 5190.14, Sections 5A and 5C; and Chapter 398, Texas Local Government Code), providing financial assistance to secure sporting or other events for Texas communities.

Legislation the City Will Oppose

Public Safety

- Legislation that would impose state-mandated standards on municipal jails or subject municipal jails to regulation by the Texas Commission on Jail Standards.
- Legislation that would erode, limit, rescind or prohibit the provisions added by Senate Bill 1742 in the 81st Legislative Session (2009), protecting the authority for the City of Frisco to better regulate the discharge of firearms and certain other weapons near schools, parks, residential areas and hospitals.

Revenue

- Legislation that would erode, limit, rescind or prohibit the provisions added by House Bill 3765 in the 81st Legislative Session (2009), authorizing a portion of the money collected across the state as a “battery recycling fee” to be used for lead-acid battery recycling activities, to create incentives for the adoption of innovative technology for improvements in the lead-acid battery recycling process or to reduce the potential negative environmental impacts of the lead-acid battery recycling process.
- Legislation that would diminish or eliminate franchise fees in order to protect the City’s ability to collect on behalf of its citizens’ fair compensation for utility companies’ use of the public rights-of-way.
- Legislation diminishing the ability of cities to use 4A and 4B sales tax revenue for economic and community development.
- Legislation diverting sales tax revenue from point-of-sale cities to destination cities.
- Legislation expanding sales tax or property tax exemptions or reducing the appraisal growth cap.
- Legislation imposing restrictions on the use and structuring of tax increment financing.
- Legislation imposing revenue caps of any type, including a reduced rollback rate, mandatory tax rate ratification elections, or reduced rollback petition requirements.
- Legislation removing factors accounting for growth from truth-in-taxation laws.
- Legislation making property tax deferrals or exemptions automatic or mandatory.

Development

- Legislation allowing permit vesting at the time of zoning. (This would seriously limit a city’s ability to improve its development standards that are intended to improve citizens’ quality of life.)
- Legislation expanding permit vesting provisions of Chapter 245 of the Local Government Code.
- Legislation eroding municipal authority relating to annexation and assessment of impact fees.
- Legislation diminishing municipal authority to regulate signage.
- Legislation diminishing cities’ abilities to protect natural resources.

- Legislation eroding a city's ability to condemn property for a public purpose, specifically legislation that would:
 - Enact a constitutional amendment further restricting the use of eminent domain;
 - Place eminent domain restrictions on cities that are more burdensome than those placed on the state;
 - Provide for retroactive application of any eminent domain provisions;
 - Erode municipal authority to engage in urban renewal efforts;
 - Provide an excessive amount of damages to a property owner whose property is acquired through eminent domain;
 - Enact detrimental amendments to the current law relating to subsequent repurchase of land acquired through eminent domain; or
 - Amend the definition of "public use" to include any restriction on traditional public projects that may include some incidental private component or that would otherwise require exclusive possession, use, or occupation by the public.
- Legislation eroding municipal authority in a city's ETJ.
- Legislation placing limitations on building fees.
- Legislation eroding current municipal authority to regulate manufactured housing or industrialized housing.
- Legislation that would restrict cities' ability to adopt or amend zoning regulations, or vest or otherwise create a property right in a zoning classification.
- Legislation allowing special districts to form in the city's ETJ without the city's permission, or that would impose additional requirements on the city relating to special districts.
- Legislation reducing the city's authority to require exactions related to and required by new development or that would erode that authority of the city to adopt and enforce minimum development standards.
- Legislation eroding the city's ability to make amendment to model building codes.
- Legislation imposing additional time restrictions on the issuance of building permits or eroding the city's authority regarding building permits in any way.
- Legislation requiring the city to post disclaimers on geospatial data products.
- Legislation that would be detrimental to homeowners associations and that would place a financial burden on the city.

Human Resources

- Legislation expanding meet and confer or collective bargaining statutes as they presently exist.
- Legislation expanding or providing detrimental changes to the scope of S.B. 310 (presumption for firefighters and EMTs that a disease or condition is work-related).
- Legislation imposing any mandatory or minimum staffing levels on fire departments.

Environment

- Legislation enacting mandatory water rates or water rate structures.

- Legislation eroding municipal control over municipal water systems or conservation measures.

Legislation the City Will Monitor

The City of Frisco will monitor certain legislation to be pursued by: (1) the North Central Texas Council of Governments Regional Transportation Council, (2) the Texas Council on Economic Development, or (3) the Texas Metro Chambers.